

JOHN W. HUBER, United States Attorney (#7226)
MELINA SHIRALDI, Assistant United States Attorney (#13110)
Attorneys for the United States of America
111 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 524-5682
Email: melina.shiraldi@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DANIEL SCHULOF,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES,

Defendant.

**JOINT MOTION TO STAY OR IN THE
ALTERNATIVE A JOINT MOTION
FOR AN EXTENSION OF TIME TO
ANSWER THE COMPLAINT**

Case No. 2:19-cv-00562-CW-PMW

District Judge Clark Waddoups

Magistrate Judge Paul M. Warner

This case involves a FOIA request made on or about February 21, 2019, by Mr. Schulof to the Department of Health and Human Services (“DHHS”), specifically to the U.S. Food and Drug Administration’s Center for Veterinary Medicine (“CVM”), within DHHS. On March 5, 2019, CVM’s FOIA Office (“CVM FOIA”) denied Mr. Schulof’s request in-full. Mr. Schulof administratively appealed on March 19, 2019. Thereafter, Mr. Schulof filed his Complaint with this Court on August 9, 2019.

CVM FOIA has since determined there are approximately 70,000 pages of documents responsive to Mr. Schulof’s request. CVM FOIA is a seven person office and the undertaking required to review and potentially redact 70,000 pages is massive.

Therefore, the Parties met and conferred on Monday, October 7, 2019, to discuss the possibility of Mr. Schulof narrowing his request. Mr. Schulof agreed to make a good-faith

reconsideration of his request to determine exactly what he wants to achieve with the request or at the very least prioritize what information is most important to him. It is the hope that CVM FOIA can provide Mr. Schulof the responsive documents on a rolling basis.

The Parties therefore request a stay of this litigation until April 7, 2020, so that the parties may try to resolve this litigation through a possible rolling production of materials responsive to Mr. Schulof's FOIA request. If the Parties are unable to resolve this litigation before April 7, 2020, the parties will file a joint status report on April 7, 2020, to inform the Court of the status of the case. Either party reserves the right to file a Motion to Lift the Stay at any time.

If the Court does not believe a stay of this litigation is reasonable, the parties request in the alternative, a 60 day extension for Defendant to answer and respond to Mr. Schulof's Complaint.

Respectfully submitted this 9th day of October, 2019.

JOHN W. HUBER
United States Attorney

/s/ Melina Shiraldi
MELINA SHIRALDI
Assistant United States Attorney

/s/ Daniel Schulof (with permission)
DANIEL SHULOF
Plaintiff